

REMARKS

Claims 1 and 3-8 are pending in this application. By this amendment claim 1 is amended and claim 8 is added. The amendments and added claim introduce no new matter. Claim 2 is canceled without prejudice to, or disclaimer of, the subject matter recited in that claim. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicant appreciates the allowance of claims 3-6. The remaining claims are also allowable for at least the following reasons.

The Office Action rejects claims 3, 4 and 7 under 35 U.S.C. §112, second paragraph. Applicant understands that the inclusion of claims 3 and 4 is a clerical error and that claims 3 and 4 are allowed. The rejection of claim 7 is respectfully traversed.

The Office Action asserts that the feature of the first suspension including a plate spring is inaccurate. Applicant respectfully submits that this feature is fully supported by Applicant's disclosure and depicted in the relevant Figures. For example, Fig. 12 is described on page 16, line 31 - page 18, line 11. Applicant discloses a hub unit 60 including a tire, a wheel, a brake, etc., is supported by the shock absorber 64 and the plate spring 66 such that it can move mainly in up-and-down directions with respect to the motor 12. As such, the features of claim 7 are adequately disclosed and depicted such that one of ordinary skill in the art would understand the metes and bounds of the claimed subject matter. Withdrawal of the rejection of claim 7 is respectfully requested.

The Office Action rejects claims 1 under 35 U.S.C. §102(b) over U.S. Patent No. 5,679,087 to Lutz; and rejects claim 2 under 35 U.S.C. §103(a) over Lutz in view of U.S. Patent Application Publication No. 2004/0099455 to Nagaya. These rejections are respectfully traversed.

Without conceding the propriety of these rejections, claim 1 is amended to include the features of now-canceled claim 2 and recites, among other features, wherein the second suspension includes a spring element and a damper element. The Office Action concedes that Lutz does not disclose this feature. The Office Action relies on Nagaya to remedy this shortfall. The analysis of the Office Action fails for at least the following reasons.

One of ordinary skill in the art would not have obviously combined these references in the manner suggested at least because the configuration of the suspension 33b in Fig. 50 of Nagaya is directed to an in-wheel motor that is significantly different in configuration and function than the fixed motors in Fig. 2 of Lutz. In this regard, the Office Action asserts that the motivation to combine these references would have been to improve stability of the vehicle as well as ride comfort. However, these objectives, even if true for the Nagaya configuration, would not have provided what can reasonably be considered as a predictable benefit to the configuration of Lutz. For example, Lutz has no corresponding motor arm, such as in Nagaya, to connect a damper to, that would achieve the corresponding benefits of such a structure. Additionally, the objectives of the motor buffer unit 33 in Nagaya, that stabilizes the in-wheel motor 3 within the wheel 2, would not have obviously commended themselves to one of ordinary skill in the art looking to improve a statically mounted motor with a shaft.

Claim 1 also recites among other features, a motor that is disposed between a vehicle body and a knuckle for driving a wheel; a first suspension that is provided between the wheel and the vehicle body for elastically supporting the wheel of the vehicle with respect to the vehicle body; a second suspension that is provided between the motor and the vehicle body for elastically supporting the motor and providing independent movement of the motor with respect to the vehicle body; and a power transferring mechanism that is provided between a rotating shaft of the motor and a wheel shaft of the wheel for transferring power from the

motor to the wheel while permitting relative movement of the motor with respect to the wheel. The applied reference does not teach such a combination of features.

Lutz fails to disclose a suspension system for a vehicle that includes a second suspension provided between a motor and a vehicle body for elastically supporting the motor and providing independent movement of the motor with respect to the vehicle body, as recited in claim 1, and as the claimed features would be understood by one of ordinary skill of the art. The Office Action asserts that Fig. 2 of Lutz discloses a second suspension, in the form of elastic rubber mounts 29', provided between a motor 13' and a vehicle body 1'. The elastic rubber mounts 29' disclosed in Lutz appear to provide, at best, a reasonably fixed mount between the motor and the vehicle. Therefore, these elastic rubber mounts do not provide for independent movement of a motor with respect to a vehicle body. Thus, Lutz fails to disclose a suspension system for a vehicle with all of the features positively recited in claim 1.

The Office Action asserts, on page 4, that elastic deformation of the rubber mount 29' due to vibration of the motor allegedly correspond to providing for independent movement of a motor with respect to a vehicle body. However, this interpretation is unreasonable based on the ordinary and customary meaning of the claimed features as would be understood by one of ordinary skill in the art, and as clarified by Applicant's disclosure. In this regard, Applicant clearly discusses how the variously claimed suspensions for the motor provide characteristics beyond a mere mounting. Applicant submits that these features are adequately recited and distinguishable over the mounts of Lutz.

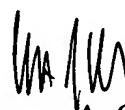
For at least the above reasons, the applied references do not teach, nor can they reasonably be considered to have suggested, the combinations of features positively recited in independent claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

The applied references also do not teach, nor can they reasonably be considered to have suggested, a second suspension that is provided between the motor and the vehicle body for elastically supporting the motor and providing travel of the motor with respect to the vehicle body, as recited in claim 8. As such, claim 8 is also allowable.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 7 and 8, in addition to the previous allowance of claims 3-6, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:CJW/clf

Attachment:

Request for Continued Examination
Amendment Transmittal

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